

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

AUTO-OWNERS INSURANCE
COMPANY as subrogee of KEVIN
TAYLOR & LAURA TAYLOR,

Plaintiffs,

v.

SEALED UNIT PARTS CO., INC.

Defendant.

CASE NO:

Removed from the State Court
of Gwinnett County, Georgia
Civil Action File No:
23-C-02027-S3

NOTICE OF REMOVAL

Defendant SEALED UNIT PARTS CO., INC. (“SUPCO”), by and through undersigned counsel and pursuant to 28 U.S.C. § 1446, hereby files its Notice of Removal of the action now pending in the State Court of Gwinnett County, State of Georgia, Civil Action File No. 23-C-02027-S3, styled as *Auto-Owners Insurance Company as subrogee of Kevin Taylor & Laura Taylor v. Sealed Unit Parts Co., Inc.* (the “civil action”), respectfully showing this Honorable Court as follows:

1. On March 27, 2023, Plaintiffs Auto-Owners Insurance Company as subrogee of Kevin Taylor and Laura Taylor (“Plaintiff”) filed the civil action in the

State Court of Gwinnett County, State of Georgia. Copies of the Summons and Complaint filed by Plaintiffs are attached hereto as “Exhibit A.”

2. In the civil action, Plaintiff pursues a cause of action for negligence, defective design and manufacturing, breach of warranties, and failure to warn against Defendant arising out of an April 23, 2020 house fire in which Plaintiff’s insurance policy-holders (Kevin and Laura Taylor) allege they sustained injuries. *See generally* (Complaint).
3. In the civil action, Plaintiff claims that its policy-holders sustained extensive property damage in the fire. Therefore, the amount in controversy exceeds \$75,000.00. (Complaint ¶ 9).
4. Because the amount in controversy in the civil action will exceed \$75,000.00, exclusive of interest, costs, and attorney’s fees, the amount in controversy requirement necessary for removal pursuant to 28 U.S.C. §§ 1332(a), 1441(b) is satisfied.
5. At all times material, Plaintiff has been a profit corporation organized under the laws of the State of Michigan. (Complaint ¶ 1).
6. At all times material, Defendant SUPCO has been a profit corporation organized under the laws of the State of New York with its principal place of business in the State of New Jersey.

7. Because the civil action is between citizens of different States, removal on the basis of diversity is proper pursuant to 28 U.S.C. §§ 1332(a), 1441(b).
8. The civil action was commenced in the State Court of Gwinnett County, State of Georgia on March 27, 2023. Plaintiff filed an Affidavit of Process Server indicating that he had served the registered agent of Defendant with a copy of the Summons and Complaint on March 30, 2023. Accordingly this notice is timely filed pursuant to 28 U.S.C. § 1446(b)(1) and Fed. R. Civ. P. 6(a)(1)(C).
9. Pursuant to 28 U.S.C. § 1446(d), Defendant SUPCO has provided written notice to all adverse parties and have filed a copy of this Notice of Removal with the Clerk of the State Court of Gwinnett County, State of Georgia (A copy of the Notice of Filing of Notice of Removal submitted to the Clerk of the State Court of Gwinnett County, State of Georgia is attached hereto as “Exhibit B”).

WHEREFORE, Defendant SUPCO respectfully submits this matter to this Court’s jurisdiction and removes the civil action to this Court.

[SIGNATURE ON NEXT PAGE]

This 27th day of April, 2023.

**WILSON ELSE MOSKOWITZ
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Counsel for Defendant

CERTIFICATE OF SERVICE

This is to certify that I have this 27th day of April, 2023, caused the within and foregoing *NOTICE OF REMOVAL* to be served on all parties via statutory electronic service and/or by U.S. Mail with adequate postage attached which shall cause a copy to be delivered to the following:

Alex McDonald
SWIFT, CURRIE, McGHEE & HIERS, LLP
1420 Peachtree Street, N.E., Suite 800
Atlanta, Georgia 30309-3231
alex.mcdonald@swiftcurrie.com

This 27th day of April, 2023.

/s/ Michael P. Manfredi
Michael P. Manfredi